



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

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August 28, 1995

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Mr. William F. Caton
Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

HAND-DELIVERED

DOCKET FILE COPY ORIGINAL

Re: Administration of the North American Numbering Plan
CC Docket No. 92-237

Dear Secretary Caton:

Enclosed is an original and four (4) copies of the Petition for Limited Clarification and/or Reconsideration of the Pennsylvania Public Utility Commission in the above-captioned docket.

Please do not hesitate to contact the undersigned if you have any questions concerning this matter. Thank you for your assistance.

Sincerely,

Maureen A. Scott
Assistant Counsel

MAS/ms

Encl.

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

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AUG 28 1995

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
) CC Docket No. 92-237
Administration of the)
North American Numbering Plan)

**PETITION FOR LIMITED CLARIFICATION
AND/OR RECONSIDERATION**

The Pennsylvania Public Utility Commission ("PaPUC") hereby seeks limited clarification and/or reconsideration of the FCC's findings in paragraphs 73 through 80 of its July 13, 1995 Report and Order (FCC 95-283) to the extent that these findings would interfere or otherwise preempt a State's ability to address local number dialing portability issues in competitive markets or a State's continued oversight of CO and NPA code changes within its jurisdiction.¹

PaPUC endorses the overall direction of the Report and Order which is consistent with the National Association of Regulatory Utility Commissioner's ("NARUC") 1991 Petition for a broad inquiry into the administration of the North American Numbering Plan ("NANP"). In particular, PaPUC supports the establishment of an independent third party NANP Administrator

¹While the PaPUC did not previously file comments in this docket, it files this Petition for Limited Clarification pursuant to Section 1.429 of the Commission's rules, which permit the filing of a petition by any "interested person". PaPUC also submits that it has good cause to seek clarification of the Commission's order at this time. Within the last year, several applications to provide competitive local service have been filed with the PaPUC pursuant to Chapter 30 of the Pennsylvania Public Utility Code. A significant issue arising as a result of these applications is local number portability. PaPUC is concerned that the Commission's Order may preclude it from being able to effectively address local number portability issues or other numbering issues of local concern.

and a North American Numbering Council ("NANC") with broad representation from industry and state interests to include local exchange carriers ("LECs") interexchange carriers ("IXCs"), wireless service providers, competitive access providers, NARUC, state public utility commissions, telecommunications users and other consumer groups.

PaPUC's Petition for Limited Clarification and/or Reconsideration is directed only at the discussion appearing in paragraphs 73 through 80 of the Commission's Order, wherein the Commission affirms its tentative conclusion that the functions associated with CO code administration, a function traditionally performed by the LECs with oversight by State commissions, should be transferred from the LECs and centralized with the new NANP Administrator. While the remainder of the discussion in paragraphs 77-78 appears to contemplate continued State oversight and involvement, the extent and nature of that involvement is not altogether clear.

PaPUC believes that the Commission intended in its discussion, for continued State involvement and oversight of both NPA exhaust and CO code administration issues. This interpretation is supported by the following excerpt from the Order:

"Our requirements that CO code administration be centralized in the NANP Administrator simply transfers the functions of developing and proposing NPA relief plans from the various LEC administrators to the new NANP Administrator. note 160. State regulators will continue to hold hearings and adopt the final NPA relief plans as they see fit.

We do not agree, however, that this necessarily compels the conclusion that CO code administration, as opposed to regulatory oversight, must be performed at the local level by state regulatory agencies or local third party entities."

Order at paras. 77-78. In this excerpt from the Order, the Commission appears to recognize that simply because the assignment responsibility has been transferred from the LEC to the

PaPUC's interpretation is reinforced by the discussion at para. 77 wherein the Commission appropriately recognizes that States have "a role and certain interests in the regulation of numbering resources and that it need not preempt states in order to take action with respect to numbering."² However, because the Order is not clear on this point, the PaPUC seeks clarification that while the Commission intends to transfer traditional LEC functions associated with CO code assignment and NPA exhaust to the new NANP Administrator, it does not intend at the same time to usurp the traditional role of the States in overseeing and approving those changes and otherwise ensuring that local needs and concerns surrounding such numbering changes are met.

This issue has taken added significance to the PaPUC in the course of the last year since the PaPUC has received approximately four applications from carriers to provide local service in direct competition with the incumbent LEC (Bell Atlantic in all cases) in certain of its service areas in the Commonwealth. As the Commission itself has recognized, number portability issues [including potential CO code and NPA portability and assignment issues] are integral to the

²Order at para. 77.

provision of competitive local service.³

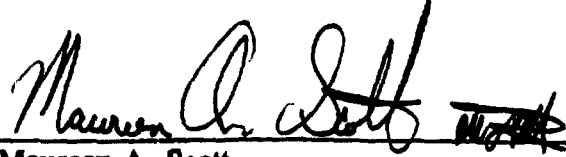
Of particular significance in the Commission's Number Portability NPRM is the following discussion appearing at para. 32:

"We recognize that state regulators also have legitimate interests in the development of number portability, and that they are conducting tests and deploying number portability measures. We encourage these tests because they will provide empirical evidence and other relevant information. We note, however, that state requirements governing number portability should not thwart or impede national policies, [note 40] such as nondiscrimination and competitive neutrality. We seek comment on areas where state and federal policies on number portability are likely to diverge or become inconsistent, and on the additional costs associated with having different number portability approaches on a state by-state basis or on a regional basis."

Once again, this discussion from the Number Portability NPRM supports the PaPUC's interpretation that the Commission does not intend to displace the traditional oversight and approval role or interests of State regulators in CO code assignment or NPA exhaust issues simply because it has transferred the CO code assignment function from the LEC to the NANP Administrator. Because of the strong State or local interest surrounding these issues particularly with the advent of competition in the local service market, PaPUC believes that it would not be in the public interest for the FCC to preempt the States on these critical issues at this time. While PaPUC does not believe that this is the Commission's intent, because of the current importance of these issues in the Commonwealth and the uncertainty created by the Commission's Order, the PaPUC seeks Commission clarification of this portion of the Commission's Order.

³In the Matter of Telephone Number Portability, Notice of Proposed Rulemaking, CC Docket No. 95-116 (Released: July 13, 1995) ("Numbering Portability NPRM").

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Maureen A. Scott", is written over a horizontal line.

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Dated: August 28, 1995.